

A Regular Meeting of the Marilla Town Board was held February 9, 2006 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

None

Committee Reports

Highway Superintendent Dave Pierce reported that last month they replaced all of the table-tops at the Town Hall and Community Center and they have now sealed all of them. We stripped and waxed the floors at the Community Center. They also built a new room for closet space in the basement. He wanted to comment that we are lucky that his employees are versatile enough to do all the various jobs that most towns would have to hire out for.

Supervisor Foss stated that the Highway Department is not required to do any of this work and it's nice we have a good working relationship with them, it saves us a ton of money.

Councilman Spanitz reported that Iroquois High School will be hosting their Post Prom Party again and are looking for donations. If anyone would like to make a donation they can contact Barb. The Library Board will be meeting next week and looking into a new donation policy. The Planning Board met on February 2nd and their next meeting will be held on February 16th at 7:00 p.m. they will be discussing the code book.

Councilman Gertz reported that he had attended the Association of Towns Meeting where they discussed sharing the added sales tax revenue. The County has agreed to share the added sales tax revenue. He has also been working with a committee to work with Code Publishers to update the code book. There will be some changes but we will be holding Public Hearings for public comment. He also reported the Kiwanis will be hosting a disaster preparedness seminar on February 23rd at 7:00 p.m. in the Community Center. He stated the County has sent him a questionnaire asking for data concerning problem intersections or roads in Marilla.

Councilman Handley reported that the 2000 PACE Grant is moving slowly. We are trying to close on two properties and we seem to be running into roadblocks. He would appreciate any help the Town Board could give to himself and the Supervisor. Supervisor Foss has made several calls to State Agencies and has a meeting set up to address where the problem is. Meanwhile the landowners are getting frustrated at how the system is working. He wished Supervisor Foss the best of luck at his future meeting with Senator Voelker and he looks forward working with the Town to resolve this matter with the PACE Program. He stated that the Pavilion Committee was deeply saddened by the resignation of Mary Nette Foss, she is one of the true pioneers in establishing the Pavilion and her input to the events will truly be missed. He thanked her for all she has done and the time she has given and said there will always be a seat for her at the meetings. He reported that at their last Pavilion Committee meeting they met with future Eagle Scout Dan Warren from Boy Scout Troop 325. Dan reviewed his plans for the memorial garden to display Mr. Darbee's Memorial Plaque. This will be placed on a large fieldstone rock surrounded by perennials and flowers. The garden will be behind the town hall between the fence and the walkway. The committee is also planning the concerts for this season, the schedule should be out shortly.

Councilman Specht welcomed County Legislature Kathy Konst to our meeting. He also stated what a great job Jake Argauer did at the coppering demonstration, it was very well

attended. He stated that Beulah Morse complemented the Highway Department for the beautiful job on the tables. He had a meeting on the Fire Service award with Councilman Gertz and they are just waiting for a final bill.

Supervisor Foss reported that he completed the PACE application for 2006 on time and mailed it on 2/18/06, I paid \$28.75 to send the application overnight with signature required to Ag & Markets by 1/23/06 4:30 p.m. The unfortunate part of the situation is the US Postal Service lost the package that was suppose to be guaranteed to be there the next day and they still have not found it, the package is the size of a medium sized notebook. He apologized to Mark, Mike, and Keith Foss for taking part in the PACE program and having this happen. He explained he had certainly learned a lesson about using the Post Office for important mail. The only guarantee the Post Office has is to get the Town's postage fee returned. He thanked Dawn Pearce and her staff for all the work they did to help get the grant completed. He also thanked John Whitney from Soil and Water Conservation Service for assistance in putting together all the necessary maps that are required for doing the grant. The only good news is a new round of grants will be starting in April and we should only have to review what we have done and possibly improve the application to give the Town a better chance for receiving the grant. He stated the Town of Marilla is still active in the PACE program and will continue to try and protect prime farmland.

He reported that Kotas and Kotas are now completing our year end financial report and it will be sent to Audit and Control by the required 2/28/06. The report will be available in the Town Clerk's Office for inspection after March 1, 2006.

He reported that the latest information he has on the County Sales tax is that the Town will receive \$56,000 plus, next year with the settlement for sharing sales tax. This is great that we are receiving extra funds but what are they cutting that we may have to pick up. He knows that Sheriff patrols are one of the areas the County wants to cut but he believes legally they cannot do so. Some people have asked what will we do with these extra funds and his answer is lets wait and see what the County Budget looks like and then make our decision.

Open Board Presentations From the Public

County Legislature Kathy Konst thanked the Town Board for allowing her to attend and speak to the public. She stated she has received many calls concerning the proposed health club in the Rath Building, she assured everyone that this is not a done deal. The County received a grant of \$128,000 for health and they are looking at other options they could use those funds for because it doesn't make sense to do a health club. She originally did not want to share the sales tax revenue but when push came to shove and we were faced with either sharing 12.5 million versus losing 120 million in the budget we voted to share the sales tax revenue. She explained this doesn't mean we are not going to work on cutting costs and bringing in revenues that are not sales tax revenues. She stated that its only been four weeks since she took office and it is going to take time to clean up County Government, it has taken five and a half years to create and its going to take some time to fix. We are going to try to make changes that make sense, last year they cut things that were funded by State and Federal money and things that brought money into the County. You can't cut things that bring money into the County that makes no sense. We are talking to Town Supervisors to make sure the revenues go back in a responsible way to help restore what was cut. She stated that in the future her goal is to have an open line of communication. Her office is located at 41 Central Avenue, Lancaster and her phone number is 601-3030. She will be creating office hours at each Town and Village in her district, she will also have a press release in March on her hours.

A resident from Winde Lane asked that the speed limit be reduced from 40 mph to 30 mph?

Supervisor Foss asked Councilman Gertz to look into the matter.

Old Business

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the minutes from the Regular Board Meeting held on 1/5/06 Motion Carried.

New Business

Jim Coatsworth from the Boys and Girls Club stated that they had made a resolution that they would like to attend town meetings of all three towns on somewhat of a regular basis because the towns have given us good support. He thanked Marilla residents and the Town Board for their support. He explained the Boys and Girls Club has 4 sites now: the one on Girdle Road, and we have a site at each one of the Primary School Buildings. We are currently applying for New York State after school licensing so that when kids come into that environment it is not only a Boys and Girls Club in nature but a State approved program, which means better background checks, better training, better ratio of staff to children. Currently the Boys and Girls Club ratio is 20:1, the state ratio is 10:1, at the primary sites we stick with the 10:1 ratio because the kids are K-3 grades. We also have a new prevention grant which is through most every Boys and Girls Club, Western New York has one of the highest concentration of Boys and Girls Clubs in the Country. There are 13 different organizations in Western New York ranging from Jamestown in the south and up to Rochester in the north, they serve about 45,000 kids a year at about 40 some sites. The prevention grant for our club brought in a Counselor who can deal with kids problems on a daily basis, her name is Jane Pastor she has the blessings of Iroquois School District and works with them closely. She works with kids who have problems in the club, school, home or community. He thanked the Town Board again for their support and he commented on what a nice addition the Gazebo is to the community.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the following resolution:

WHEREAS, the Boys and Girls Club of Elma, Marilla, Wales, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2006 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with The Boys and Girls Club of Elma, Marilla, Wales, Inc. with an annual payment of \$4,000 for the year 2006, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, Elma, Marilla, Wales Sports, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2006 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with Elma, Marilla, Wales Sports, Inc. with an annual payment of \$3,900 for the year 2006, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.

3. This resolution shall take effect immediately.

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to approve Insurance package with Thompkins Insurance for \$53,450.30 for 2006. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to appoint John Janis to the Zoning Board of Appeals to fulfill the unexpired term of Kevin Walters which will expire on 12/31/2006. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to appoint Roger Gustavel to the Conservation Advisory Board for a two year term to expire on 12/31/07. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Specht to appoint Leonard Janiga as Chairman of the Conservation Advisory Board. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to appoint Debbie Zimmerman as Chairman of the Planning Board. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to set the date for a public hearing on re-zoning the Rohl property (approximately 35 acres on the corner of Two Rod Road and Clinton Street – south side) to a B-1 (clean business) for March 9th at 7:30 p.m. at the Marilla Town Hall. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve a resolution honoring Jonathan Sleeper, for having completed the requirements for, and having been examined by an Eagle Scout Board of Review, was found worthy of the rank of Eagle Scout. Motion Carried.

Supervisor Foss appointed the Pavilion Committee as follows: Warren Handley (chairman), Mike Roth, Amy Roth, Sally Woodard, Sally Kutter, Dan Denecke.

Supervisor Foss stated that he has been working with members of the Car Show committee and the Marilla Fire Company to begin planning for this year's car show. This has become a major event in the Town of Marilla and the Town is going to take an active part in road closings, traffic control and safety. He is forming a committee of the following; George Gertz, Fred Specht, Dave Pierce, Bill Strapman, Chuck Olday and John Foss as Chairman. We will be working closely with all groups involved with the safety, traffic control and parking to insure a safe and successful event. The Car Show has received great reviews and has been a great public relations event for the Town of Marilla and town government needs to help where it can. July 30th is the date of the Car Show. Last year Mercy Flight received \$15,000 from the Car Show committee and this is one of the largest donations they receive. In Marilla we need the support of Mercy Flight and it's great to have an outstanding Car Show and help out Mercy Flight.

Report of Town Officials

Town Engineer Marie Nowak stated that she had contacted Rural Development concerning Water District 5 and they apologized for the delay but much of their staff was sent to the Golf Coast, they should be back in March. She reported that there is a meeting set up with a representative from the Town of Bennington and the Erie County Water Authority on February 27th to go over Bennington's request to hook on to Water District No. 4.

Building Inspector John Fronczek submitted a written report with 1 building application received with fees totaling \$216, 1 building permit issued with a total value of \$20,000, 6 inspections were made and 3 complaints were received for the month of January 2006. A total of 99 official code enforcement activities were performed in the month of January.

Town Attorney Nathan Neill reported that he will be attending the meeting with the Town of Bennington and the ECWA on the 27th. He has also been working on the easements for the drainage issue on Porterville Road.

Supervisor Foss stated that all exemptions must be in by May 1st.

Planning Board member Judy Gillman stated that the next meeting will be February 16th at 7:00 p.m. and minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Volunteer Fireman Paul Robinson reminded residents to keep the hydrants clear of snow.

Open Board Presentations

Councilman Specht asked Town Engineer Marie Nowak if there is any hope for Water District 5 with Rural Development?

Marie Nowak responded that we should know in a month what their grant offering is.

Councilman Handley commented how enlightening it is to have another Eagle Scout in our town.

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 13-65	\$101,459.83
Highway Fund Claims, Vouchers 9-33	\$ 29,453.36
Special Districts	
Sanitation (SR), Vouchers 4-23	\$ 11,043.67
Special Fire Voucher 1	\$ 55.03
Water District #2, Vouchers 1-3	\$ 5,122.45
Water District #3 Voucher 1-2	\$ 2,706.80
Water District #4 Voucher 1-2	\$ 1,634.80
Community Develop. PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to adjourn the meeting at 8:15 p.m. Motion Carried.

Respectfully submitted,

_____Town Clerk _____Supervisor

_____Councilman _____Councilman

_____Councilman _____Councilman